

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff

v.

CR 11-02468 JB

SERVANDO ARELLANES,

Defendant.

ORDER DENYING MOTION TO RECONSIDER DETENTION

On November 2, 2011, Defendant Servando Arellanes requested that I reconsider my order of detention from September 27, 2011. (Doc. 16.) Arellanes is charged with Distribution of Cocaine in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) as well as 18 U.S.C. § 2. (Doc. 2.) The trial on these charges is currently set for November 28, 2011. (Doc. 15.) The United States opposes the motion, arguing that because Arellanes was not in the United States legally and because he is charged with distributing illegal drugs, he is both a flight risk and a danger. (Doc. 17 at 1, 3-5.)

Arellanes contends that he is not a danger to the community because he has no criminal history. (Doc. 16 at 1.) He asserts that he is not a flight risk because he has an approved I-130 Alien Petition, is married to a United States citizen, and has children who are citizens. (Doc. 16 at 1-2.) Arellanes requests a hearing on the motion. (*Id.* at 2.) I find that no hearing is necessary.

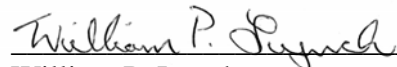
During the initial detention hearing, I considered the nature and circumstances of the crime charged, the weight of the evidence against Arellanes, Arellanes' history and characteristics, and the nature and seriousness of the danger Arellanes' release would pose to the community or to an individual. *See* 18 U.S.C. § 3142(g). I found that Arellanes posed a serious flight risk and a serious

danger to the community. (Doc. 12 at 2.)

Arellanes' prior criminal record was before me during the initial detention hearing. I found him to be a danger to the community nonetheless. I will not reconsider my finding as to dangerousness.

Arellanes' family ties to the United States do not alter my previous determination. He is a Mexican national. Though he is married to a citizen with children who are citizens and has an upcoming appointment with the U.S. Citizenship and Immigration Services, he was in the country illegally at the time of his arrest and has an upcoming trial date. He faces a lengthy potential sentence and has strong ties to Mexico. Furthermore, his immigration status is not likely to change while felony drug charges are pending against him.

Considering the relevant factors, I find that Arellanes poses both a serious flight risk and a serious risk of endangering the safety of another person or the community. IT IS THEREFORE ORDERED THAT the Motion to Reconsider Detention (Doc. 16) is denied and that Arellanes shall continue to be detained pending trial.



William P. Lynch
United States Magistrate Judge

A true copy of this order was served
on the date of entry--via mail or electronic
means--to counsel of record and any *pro se*
party as they are shown on the Court's docket.